UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,701	12/12/2001	Wah Yiu Kwong	ITL.0681US (P12999)	9547

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EXAMINER
BAUM, RONALD

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/020,701	KWONG ET AL.
	Examiner	Art Unit	
	RONALD BAUM	2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 July 2008*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-20* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This action is in reply to applicant's correspondence of 16 July 2008.

2.   Claims 1-20 are pending for examination.

3.   Claims 1-20 remain rejected.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clough et al,

U.S. Patent No. 5,379,057 and further in view of Ultimaco Safeware AG, 'SafeGuard Easy', Ultimaco

Safeware AG, 08/2000, entire document,

http://web.archive.org/web/20000301132302/www.utimaco.de/english/index1.htm ('Ultimaco').

It is noted that Clough et al, does not disclose the specific use of a pre-boot

authentication/security application per se as an installable application to perform the fundamental

computer access control functions insofar as security/system use authorization for multiple users

is concerned. However, the examiner asserts that it would have been obvious to one ordinary

skill in the art at the time the invention was made for a portable computer system of Clough et al

to require controlled access by users, especially in the case of a portable (i.e., legitimately or

illegitimately removable for access thereof), via the installation of the Ultimaco 'SafeGuard Easy'

pre operating system access control application.

Such motivation to combine would be obvious in light of the Ultimaco inventive concept

is clearly directed to at least a standard system/PC product environment (i.e., MS Windows ™),

where standard system/PC products that are portable and used by multiple users/applications

would clearly required controlled access to the system resources (i.e., the Ultimaco 'SafeGuard

Easy' encrypts/secures the hard drive for subsequent decryption/access during the operating

system boot process).

A recitation directed to the manner in which a claimed apparatus is intended to be used

does not distinguish the claimed apparatus from the prior art if prior art has the capability to do

so (See MPEP 2114 and Ex Parte Masham, 2 USPQ2d 1647 (1987).

5.   As per claim 1; "A method comprising:

detecting a user input [*figures 1-5 and accompanying descriptions, col. 1,lines 59-col.*

4,line 3, whereas the portable integrated computer system with associated touch screen, software

configurable keyboard, optional memory configurations, installable applications (e.g.,

downloadable or external memory transferable) etc., comprising a microprocessor based

controller and associated integrated peripheral logic/circuitry (e.g., video graphic components),

insofar as the associated bootable controlling software/operating system is powered up ('

detecting a user input ...'), and thereby initiating said controlling software/operating system,

encompassing the claimed limitations, as broadly interpreted by the examiner.];

in response to the detection of a user input, generating a graphical user interface before

the operating system has booted [*figures 1-5 and accompanying descriptions, col. 1,lines 59-col.*

4,line 3, whereas the system touch screen, associated integrated peripheral logic/circuitry (e.g.,

video graphic components) generates the Ultimaco 'SafeGuard Easy' GUI that controls the user

authentication process, insofar as the associated bootable controlling software/operating system

is powered up (' in response to the detection of a user input ...'), encompassing the claimed

limitations, as broadly interpreted by the examiner.];

      receiving an input from the user through said graphical user interface [*figures 1-5 and*

accompanying descriptions, col. 1,lines 59-col. 4,line 3, whereas the system touch screen,

associated integrated peripheral logic/circuitry generates the Ultimaco 'SafeGuard Easy' GUI

that controls the user authentication process (' receiving an input ... user through said graphical

user interface ...'), encompassing the claimed limitations, as broadly interpreted by the

examiner.]; and

      <u>after receiving said input,</u>

        booting the operating system [*figures 1-5 and accompanying descriptions, col.*

1,lines 59-col. 4,line 3, whereas the system Ultimaco 'SafeGuard Easy' controls the user

authentication process, insofar as the associated bootable controlling software/operating

system is subsequently booted, encompassing the claimed limitations, as broadly

interpreted by the examiner.]."*.

      Further, as per claim 11, this claim is the embodied method software for the method

claim 1 above, and is rejected for the same reasons provided for the claim 1 rejection.

6.   Claim 2 ***additionally recites*** the limitation that; "The method of claim 1 wherein

      detecting a user input includes

detecting the operation of a push button.".

The teachings of Clough et al are directed towards such limitations (i.e., figures 1-5 and

accompanying descriptions, col. 1,lines 59-col. 4,line 3, whereas the system and associated

bootable controlling software/operating system is powered up via a pushbutton power switch ('

detecting a user input … operation of a push button '), and thereby initiating said controlling

software/operating system, encompassing the claimed limitations, as broadly interpreted by the

examiner.).

Further, as per claim 12, this claim is the embodied method software for the method

claim 2 above, and is rejected for the same reasons provided for the claim 2 rejection.

7.   Claim 3 *additionally recites* the limitation that; "The method of claim 1 wherein

generating a graphical user interface includes

generating a graphical user interface using a graphics controller.".

The teachings of Clough et al are directed towards such limitations (i.e., figures 1-5 and

accompanying descriptions, col. 1,lines 59-col. 4,line 3, whereas the system touch screen,

associated integrated peripheral logic/circuitry (e.g., video graphic components encompassing

the 'graphics controller' as an integrated component (i.e., on the main circuit board)) generates

the Ultimaco 'SafeGuard Easy' GUI that controls the user authentication process, insofar as the

associated bootable controlling software/operating system is powered up, encompassing the

claimed limitations, as broadly interpreted by the examiner.).

Further, as per claim 13, this claim is the embodied method software for the method

claim 3 above, and is rejected for the same reasons provided for the claim 3 rejection.

8.   Claim 4 ***additionally recites*** the limitation that; "The method of claim 3 including

storing information for

generating said graphical user interface on

an option memory.".

The teachings of Clough et al are directed towards such limitations (i.e., figures 1-5 and

accompanying descriptions, col. 1,lines 59-col. 4,line 3, whereas the system touch screen,

associated integrated peripheral logic/circuitry (e.g., video graphic components encompassing

the 'graphics controller' as an integrated component (i.e., on the main circuit board)) generates

the Ultimaco 'SafeGuard Easy' GUI that controls the user authentication process, insofar as the

integrated associated memory (e.g., system RAM, graphic controller registers and associated

memory, etc.,) and peripheral memory (e.g., floppy, RAM sticks, memory cards, etc.,),

encompasses the claimed limitations, as broadly interpreted by the examiner.).

Further, as per claim 14, this claim is the embodied method software for the method

claim 4 above, and is rejected for the same reasons provided for the claim 4 rejection.

9.   Claim 5 ***additionally recites*** the limitation that; "The method of claim 1 including

using boot code running on a graphics controller to

generate the graphical user interface.".

The teachings of Clough et al are directed towards such limitations (i.e., figures 1-5 and accompanying descriptions, col. 1,lines 59-col. 4,line 3, whereas the system touch screen, associated integrated peripheral logic/circuitry (e.g., video graphic components encompassing the 'graphics controller' as an integrated component (i.e., on the main circuit board)) generates the Ultimaco 'SafeGuard Easy' GUI that controls the user authentication process, insofar as the video graphic components, main circuit board with associated processor/program memory that controls the video graphic components, encompasses the claimed limitations, as broadly interpreted by the examiner.).

Further, as per claim 15, this claim is the embodied method software for the method claim 5 above, and is rejected for the same reasons provided for the claim 5 rejection.

10.   Claim 6 **_additionally recites_** the limitation that; "The method of claim 1 wherein generating a graphical user interface includes

generating a graphical user interface to

enable the user to input a password.".

The teachings of Clough et al are directed towards such limitations (i.e., figures 1-5 and accompanying descriptions, col. 1,lines 59-col. 4,line 3, whereas the system touch screen, associated integrated peripheral logic/circuitry generates the Ultimaco 'SafeGuard Easy' GUI that controls the user authentication process (' generating a graphical user interface ... user to input a password ...'), encompassing the claimed limitations, as broadly interpreted by the examiner.).

Further, as per claim 16, this claim is the embodied method software for the method

claim 6 above, and is rejected for the same reasons provided for the claim 6 rejection.

11.   Claim 7 *additionally recites* the limitation that; "The method of claim 6 wherein

         generating a graphical user interface includes

                generating an on-screen keyboard.".

The teachings of Clough et al are directed towards such limitations (i.e., figures 1-5 and

accompanying descriptions, col. 1,lines 59-col. 4,line 3, and more particularly col. 2,lines 15-23,

53-63, whereas the system touch screen, associated integrated peripheral logic/circuitry generates

the Ultimaco 'SafeGuard Easy' GUI that controls the user authentication process (' generating a

graphical user interface … generating an on-screen keyboard '), encompassing the claimed

limitations, as broadly interpreted by the examiner.).

Further, as per claim 17, this claim is the embodied method software for the method

claim 7 above, and is rejected for the same reasons provided for the claim 7 rejection.

12.   Claim 8 *additionally recites* the limitation that; "The method of claim 1 including

         receiving inputs from the user

                through the graphical user interface

                       without a keyboard.".

The teachings of Clough et al are directed towards such limitations (i.e., figures 1-5 and

accompanying descriptions, col. 1,lines 59-col. 4,line 3, and more particularly col. 2,lines 15-23,

53-63, whereas the system touch screen, associated integrated peripheral logic/circuitry generates

the Ultimaco 'SafeGuard Easy' GUI that controls the user authentication process (' receiving

inputs from the user … without a keyboard '), encompassing the claimed limitations, as broadly

interpreted by the examiner.).

Further, as per claim 18, this claim is the embodied method software for the method

claim 8 above, and is rejected for the same reasons provided for the claim 8 rejection;

13.   Claim 9 *additionally recites* the limitation that; "The method of claim 1 including

authenticating a user and

allowing the operating system to boot if

the user has been authenticated.".

The teachings of Clough et al are directed towards such limitations (i.e., figures 1-5 and

accompanying descriptions, col. 1,lines 59-col. 4,line 3, whereas the system Ultimaco

'SafeGuard Easy' controls the user authentication process ('… authenticating a user …'), insofar

as the associated bootable controlling software/operating system is subsequently booted ('…

allowing the operating system to boot if …'), encompassing the claimed limitations, as broadly

interpreted by the examiner.).

Further, as per claim 19, this claim is the embodied method software for the method

claim 9 above, and is rejected for the same reasons provided for the claim 9 rejection.

14.   Claim 10 ***additionally recites*** the limitation that; "The method of claim 9 including

receiving a password entered

without a keyboard

using the graphical user interface.".

The teachings of Clough et al are directed towards such limitations (i.e., figures 1-5 and

accompanying descriptions, col. 1,lines 59-col. 4,line 3, and more particularly col. 2,lines 15-23,

53-63, whereas the system touch screen, associated integrated peripheral logic/circuitry generates

the Ultimaco 'SafeGuard Easy' GUI that controls the user authentication process (' receiving a

password entered … without a keyboard … using the graphical user interface '), encompassing

the claimed limitations, as broadly interpreted by the examiner.).

Further, as per claim 20, this claim is the embodied method software for the method

claim 10 above, and is rejected for the same reasons provided for the claim 10 rejection.

Response to Amendment

15.   As per applicant's argument concerning the lack of the various teachings by Skelton et al,

the arguments are moot in light of the new basis for rejection.

16.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Conclusion

17.   Any inquiry concerning this communication or earlier communications from examiner

should be directed to Ronald Baum, whose telephone number is (571) 272-3861, and whose

unofficial Fax number is (571) 273-3861 and unofficial email is Ronald.baum@uspto.gov. The

examiner can normally be reached Monday through Thursday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kambiz Zand, can be reached at (571) 272-3811. The Fax number for the

organization where this application is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. For more information for

unpublished applications is available through Private PAIR only. For more information about the

PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Baum

Patent Examiner

/R. B./

Examiner, Art Unit 2439

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434